

AMENDED IN ASSEMBLY APRIL 25, 2011

AMENDED IN ASSEMBLY MARCH 17, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 87

Introduced by Assembly Member Logue

January 6, 2011

An act to amend Section 19200.5 of, and to add Section 19200.6 to, the Business and Professions Code, relating to home furnishings.

LEGISLATIVE COUNSEL'S DIGEST

AB 87, as amended, Logue. Home furnishings: inspections: compensation.

Existing law, the Home Furnishings and Thermal Insulation Act, provides for the licensure and regulation of various manufacturers, sellers, upholsterers, and sanitizers of home furnishings, such as furniture and bedding. The act is enforced by the Chief of the Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation. Existing law authorizes the chief or any inspector to open any article of upholstered furniture or bedding for the purpose of inspection and to take any part for analysis. Existing law also authorizes the bureau to condemn, withhold from sale, seize, or destroy any upholstered furniture or bedding or any filling material or insulation that is found to be in violation of the act.

This bill would delete the provisions authorizing the chief or any inspector to take articles of upholstered furniture or bedding, or parts thereof, for the purposes of analysis and would instead authorize the bureau to purchase any article of upholstered furniture or bedding as

may be necessary for analysis, as specified. The bill would require the bureau to adopt regulations to implement these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature hereby finds and declares all of
2 the following:

3 (a) It is the right of every person to own private property.

4 (b) The right to private property is fundamental to other civil
5 rights, and it is the duty of government to observe and protect this
6 right.

7 (c) It is the intent of the Legislature in enacting this measure to
8 ensure that just compensation is provided to owners of private
9 property in accordance with ~~Section 19 of Article I of the California~~
10 *the Fifth Amendment to the United States Constitution*.

11 SEC. 2. Section 19200.5 of the Business and Professions Code
12 is amended to read:

13 19200.5. The chief or any inspector may open any articles of
14 upholstered furniture or bedding, including pillows or cushions
15 belonging to or forming a part thereof, or insulation for the purpose
16 of inspecting concealed filling material.

17 SEC. 3. Section 19200.6 is added to the Business and
18 Professions Code, to read:

19 19200.6. (a) For the purposes of carrying out this chapter, the
20 bureau may purchase any article of upholstered furniture or bedding
21 as may be necessary for analysis and may require any manufacturer,
22 distributor, or retailer of that article to sell the article to the bureau
23 at the manufacturer's, distributor's, or retailer's cost.

24 (b) The bureau shall adopt regulations to implement this section.